

Oil industry prepares for restrictions to conserve rare bird

[Associated Press](#) June 17, 2022



The U.S. Fish and Wildlife Service proposed federal protections for the lesser prairie chicken last year under the Endangered Species Act, seeking an endangered listing for the bird in southeast New Mexico and West Texas and a threatened listing in the rest of the bird's range, which extends through Oklahoma, Colorado and Kansas. (University of Oklahoma photo)

CARLSBAD, N.M. (AP) — Lesser prairie chickens once numbered in the thousands throughout the American West, thriving on the prairielands of eastern New Mexico and the American West.

But in recent years, the chicken's numbers declined amid growing development in the oil and gas and agriculture sectors, and conservationists worried the unique bird could be in danger of extinction.

The U.S. Fish and Wildlife Service proposed federal protections for the species last year under the Endangered Species Act, seeking an endangered listing for the bird in

southeast New Mexico and West Texas and a threatened listing in the rest of the animal's range, which extends through Colorado, Oklahoma and Kansas.

A species is considered "endangered" by the agency when its extinction is believed imminent, while "threatened" means the animal could soon warrant endangered status. Both result in the federal government developing a recovery plan and setting aside acreage deemed "critical habitat" of the species at risk.

A final decision on the lesser prairie chicken's listing was expected this month, records show, and it could restrict access to lands needed for the chicken's recovery and impact some of the region's biggest industries.

That's why conservation bank Lesser Prairie Chickens Conservation proposed a habitat conservation plan for the oil and gas industry. It was approved by the Fish and Wildlife Service on June 3.

It would allow oil and gas operations to occur within areas where the chicken could dwell.

Energy companies buy protections from the conservation bank for the areas known as "strongholds," while conducting certain conservation practices on lands amid their operations, and in exchange are exempted from future restrictions should the species ultimately be listed.

They receive a permit for "incidental take" which refers to a number of birds that are allowed to be killed during development.

The intention, said LPC Conservation Chief Executive Officer Wayne Walker, is to save the animal in danger of dying out while also allowing essential economic drivers to continue.

That balance, he said, is essential as it enlists the help of companies that hold large swaths of land.

"We believe using a market-based business model is the best way to secure the desired outcomes for all involved to finally deliver quantifiable conservation benefits to the (the bird)," he said. "The species is a key indicator of the health of the southern Great Plains. LPC Conservation offers a legally defensible permit that should be of interest to this industry."

The Fish and Wildlife Service said in a statement that enrollees would be able to avoid future regulatory shifts while helping to conserve the bird.

The agency also published an environmental assessment in May that showed take permits would impact up to 500,000 acres of chicken habitat in all five states — 200,000

acres in the southern population segment in New Mexico and Texas and 300,000 acres in the northern population.

When implemented, the agency estimates the plan would lead to restoration and continued management of up to a million acres of chicken habitat.

Johnathan Hayes, executive director of the southwest region for the Audubon Society, said that effort to conserve the bird while protecting local industry was crucial to ensure local communities are impacted as little as possible by government decision-making.

He said the Society supports the chicken's listing, but hopes plans like LPC Conservation's and others will provide economic support amid conservation efforts.

"The listing decision is the right way to go, but we're recognizing that that does have a cost," Hayes said. "We want to make sure the negative impact that happens to industry, that we're allowing industry to have some ability to predict what those regulations will be and what that impact will be."

Hayes said work to save the bird could also restore the land and ecosystem, supporting the broader environment from human impacts to climate change.

"Birds are the canary in the coal mine. This is a good example of us seeing the loss of suitable habitat that is driving the decline of these birds is absolutely an impact we've had on the landscape, the climate," he said.

"This isn't just about the bird."